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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,389	10/04/1999	ADAM BILLYARD	1263.1152	8249
5514	7590	05/05/2006		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER NGUYEN, PHU K	
			ART UNIT 2628	PAPER NUMBER
DATE MAILED: 05/05/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/411,389	Applicant(s) BILLYARD ET AL.	
	Examiner Phu K. Nguyen	Art Unit 2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-20, 22-24, 26 and 28-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-36, 38, 42, 43, 46 and 47 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12, 18, 19, 22-24, 26, 37, 39-41, 44 and 45 is/are rejected.
- 7) ☒ Claim(s) 7, 13, 14, 16, 17, 20, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-12, 18-19, 22-23, 37, 39-40 and 44-45 are rejected under 35 U.S.C. 102(b) as being anticipated by The Atlantic online (WEB CITATIONS).

As per independent claim 1, The Atlantic Online teaches a system for playing computer game, comprising a plurality of player apparatus (user's home computer) for the input of user instructions (page 1, lines 28-40) and at least one game processing apparatus (page 1, "Internet Chess Club Network") storing data defining a 3D game environment (page 1, the top figure shows a 3D chess game which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment), wherein the player apparatus and the game apparatus are connected and information is transferred to enable each player to view the status of the 3D game environment and to control one or more objects (chess piece) therein (page 1, lines 28-42 and page 2, line 1), and wherein the system further comprises broadcasting means for broadcasting data defining at least one view of the 3D game environment for receipt by a plurality of observers (page 2, lines 8-19).

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant's arguments filed on May 4, 2005 have been fully considered but they are not deemed to be persuasive. Applicant argues that Atlantic Online article is directed to a two-dimensional game of chess whereas the claimed invention is working on a three-dimensional environment. The chess board, showed in the Atlantic article, is clearly a 3D chess board with the third or depth dimension is illustrated with some pieces obscure others stood directly behind in depth. The chess board can be represented in 2D or 3D without significant burden; however, it is clear that Atlantic's chess board is a 3D chess board (the 2D check board is showed in the attached articles with no piece obscures other).

As per dependent claim 2, The Atlantic Online further teaches wherein there is a game processing apparatus having the form of a server (page 1, "ICC") to which each player apparatus is connected (page 1, lines 18-23), and wherein object control signals are sent from the player apparatus to the game processing apparatus (page 1, line 30 through page 2, line 1), and information defining the status of the game environment is sent from the game processing apparatus to the player apparatus (page 1, "Seek Graph", lines 23-30).

As per dependent claim 3, The Atlantic Online further teaches wherein each player apparatus sends information to the other player apparatus defining

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changes made to the game environment by the player at the apparatus which sends the information (page 2, lines 1-5, i.e., "draw offers" sent from the player apparatus).

As per claim 4, The Atlantic Online teaches a method of operating a computer graphics system to effect a computer game including a plurality of users (page 1, lines 21-24) comprising a step of transferring information between the player apparatus (user's home computer) and the game processing apparatus (page 1, "Internet Chess Club network") to enable each player to view the status of the 3D game environment and to control one or more objects (chess pieces) therein (page 1, lines 28-42 and page 2, line 1) and a step of broadcasting data defining at least one view of the 3D game environment (page 1, the top figure shows a 3D chess game which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 39 game environment as now claimed) for receipt by a plurality of observers to enable the observers to view the game (page 2, lines 8-19).

Claim 5 recites a method which is performed by the system claimed in claim 2., therefore, it is rejected with the same reasons as set forth in claim 2.

Claim 6 recites a method which is performed by the system claimed in claim 3., therefore, it is rejected with the same reasons as set forth in claim 3.

As per dependent claim 8, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting on a channel defined at least in part by a communication network (page 1, lines 18-23, i.e., "internet").

As per dependent claim 9, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting on a channel defined at least in part by the Internet (page 1, lines 18-23).

As per dependent claim 10, The Atlantic Online further teaches wherein the broadcasting step includes broadcasting in substantially real time as the computer game is played (page 2, lines 8-11, i.e., "any time").

Claim 11 is similar to claim 4, The Atlantic Online computer system would have inherently included a storage such as a hard drive for storing data defining a 3D game environment and further teaches a step of amending stored data in dependence upon player control of objects in the game environment (page 2, lines 1-8).

As per dependent claim 12, The Atlantic Online teaches a step of generating and outputting data defining change made to the game environment for receipt by each player (page 2, lines 1-5, i.e., "draw offers" sent from the

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player apparatus explicitly taught that the system would have generated and outputted data defining change to the game environment for receipt by each player when the "draw offers" being accepted).

Claim 18 recites a method which is performed by the system claimed in claim 11; therefore, it is rejected with the same reasons as set forth in claim 11.

As per dependent claim 19. The Atlantic Online further teaches wherein data defining change made to the game environment is generated and output to each respective player (page 2, lines 1-8).

Claim 22 is similar to claim 18, The Atlantic Online computer system would have inherently included a storage medium for storing instructions for causing it to perform those steps as now claimed in claim 18.

Claim 23 is similar to claim 18, The Atlantic Online computer system would have inherently included a signal carrying instructions such as input from conventional input devices like keyboard, mouse, joy stick... for causing the computer system to perform those steps as now claimed in claim 18.

As per dependent claims 39-40, The Atlantic Online teaches wherein the broadcast data defining at least one view of the 3D game

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environment is addressed to particular observers (page 1, seek Graph" only sent to who requests. "Seek Graph" lists (defines) all the games, and when each game is selected, the system would display a corresponding 3D chess game as shown at page 1 , top figure, which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment , "at least one view of the 3D game environment") including the kind of game sought by the observers (page 1, lines 33-40).

As per dependent claims 44-45, The Atlantic Online teaches wherein the broadcast data defining at least one view of the 3D game environment is addressed to particular observers and to broadcast the broadcast data thereto (page 1, broadcast data "Seek Graph" is only sent to who requests. "Seek Graph" lists (defines) all the games, and when each game is selected, the system would display a corresponding 3D chess game as shown at page 1 , top figure, which has a plurality of 3D objects, i.e., chess pieces, which can be moved by dragging them which is equivalent to 3D game environment).

Claims 24, 26 and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Mitchell et al (U.S. Patent No. 6,166,732).

As per independent claim 24, Mitchell et al teach a distributed object oriented multi-user domain with multimedia presentations comprising a step of receiving data defining a sequence of images of 3D computer game environment

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(col.2, lines 19-21, i.e., VWE includes images, video (col.1, lines 14-17)., and col.8, lines 1 1-35) in which objects are controlled by a plurality of players (col.8, lines 58-60) and a step of broadcasting a signal conveying images of the game for receipt by a plurality of game observer apparatus (col.2, lines 55-63).

As per independent claim 26, Mitchell et al teach a distributed object oriented multi-user domain with multimedia presentations comprising a step of receiving data defining a sequence of images of 3D computer game environment (col.2, lines 19-21, i.e., VWE includes images, video (col.1 , lines 14-17)', and col.8, lines 1 1-35) in which objects are controlled by a plurality of players (col.8, lines 58-60) and a step of recording, either directly or indirectly, data defining images of the game on the storage device (col.col.8, lines 60-65, i.e., updated") for distribution to a plurality of game observers (col.8, lines 52-55).

As per dependent claim 41, Mitchell et al further teach wherein the broadcast data defining at least one view of the 3D game environment is addressed to particular observers (col.2, lines 55-63).

RESPONSE TO APPLICANT'S ARGUMENTS:

Applicant argues that Mitchell is understood to provide change data, and not image data, which is not correct. Mitchell provides the change data, but these change

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data are the image data of the selected objects (column 12, line 55 to col. 13, line 19).

In other words, Mitchell's change data is also image data type.

Allowable Subject Matter

Claims 30-36, 38, 42-43 and 46-47 allowed.

Claims 7, 13-14, 16-17, 20 and 28-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure

The reference of Gasper et al (U.S. Patent No. 6,213,873) is cited because it shows how a 2D chess board is represented (element 76 in figure 10); and further emphasizes that a chess board can be represented in a 2D or 3D environment (col. 20, lines 12-13).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
April 24, 2006


PHU K. NGUYEN
PRIMARY EXAMINER
GROUP 2300